IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 22458 of 2004

Between:

1 M.Sudarshan Rao S/o.Venkatarao, Cultivation,
Kurellagudem, Bhimadole (M), West Godavari Dist.
2 R.Narayana Rao S/o.Pydaiah, Cultivation, Kurellagudem, Bhimadole (M), West Godavari Dist.

..... PETITIONERS

AND

1 Dist Collector, West Godavari district at Eluru.
2 Revenue Divisional Officer , Eluru, West Godavari district.
3 Mandal Revenue Officer, Bhimadole (M), West Godavari Dist.
4 Station House Officer Bhimadole Police Station
Bhimadole, West Godavari Dist.
5 Panchayat Secretary, Kurellagudem Grampanchayat
Bhimadole (M), West Godavari Dist.
6 K.Durga Prasad S/o.Gurraju, Cultivation,
Kurellagudem (V), Bhimadole (M),
West Godavari Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not protecting the road leading from Kurellagudem village to Pedabodi Gattu in Bhimadole mandal, West Godavari

dist in spite of complaints including dt 22-10-2004 is illegal, irregular, violative of Articles 14,19 and 21 of the Constitution of India and also the provisions of Code of Criminal Procedure and consequently direct the respondents 1 to 5 to protect the said road from being damaged by the 6th respondent and by initiating necessary action in that regard.

Counsel for the Petitioners : MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondents 1 to 3: GP FOR REVENUE

Counsel for the Respondent No.4 : GP FOR HOME

Counsel for the Respondent No.5: MR. D. SRINIVAS, (SC)

The Court made the following :

ORDER: (per the Hon'ble Sri Justice B.Sudershan Reddy)

The petitioners are invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, seeking a writ of *Mandamus* declaring the action of respondents 1 to 4 in not protecting the road leading from Kurellagudem village to Pedabodigattu in Bhimadole Mandal, West Godavari District, in spite of lodging complaints, including the one dated 22-10-2004 bringing the acts of the sixth respondent in meddling with the road, as illegal and arbitrary. The petitioners accordingly pray for issuance of consequential directions to respondents 1 to 5 to take appropriate action against the sixth respondent.

We are not inclined to make any observations as to whether the sixth respondent had dug any pits on the center of the said road in the third week of October 2004, as alleged by the petitioners in their affidavit filed in support of the writ petition. But the fact remains that the petitioners made a detailed representation in this regard, dated 27-10-2004, addressed to the District Collector, West Godavari District. That if the allegations levelled in the representation are true, the matter certainly requires intervention of the District Collector. Neither the sixth respondent nor any other individual can be permitted to meddle with the road, which is meant to be used by the general public. It is the duty of respondents 1 to 5 to protect the road.

Interests of justice would be met by directing respondents 1 to 5 to make an appropriate enquiry into the representation, dated 22-10-2004, within a period of two weeks from the date of receipt of a copy of this order, and take appropriate action in accordance with law. It shall be open to the petitioners to make a further representation in this regard along with a copy of this order. This order shall not be construed as if we have expressed any opinion on the truth or otherwise of the allegations levelled by the petitioners against the sixth respondent. It is needless to observe that the sixth respondent shall also be heard in the matter if any action is required to be taken against him.

The writ petition is accordingly disposed of without any order as to costs.

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B.SUDERSHAN REDDY,J

DATED:13-12-2004

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C.V.RAMULU,J

GJ

To

1. Dist Collector, West Godavari district at Eluru.
2. Revenue Divisional Officer , Eluru, West Godavari district.
3. Mandal Revenue Officer, Bhimadole (M), West Godavari Dist.
4. Station House Officer Bhimadole Police Station
   Bhimadole, West Godavari Dist.
5. Panchayat Secretary, Kurellagudem Grampanchayat
   Bhimadole (M), West Godavari Dist.
6. Two C.Cs. to the Government Pleader for Revenue, High Court of A.P., Hyderabad. (OUT)
7. Two C.Cs. to the Government Pleader for Home, High Court of A.P., Hyderabad. (OUT)
8. Two C.D. copies.